

Amendment and Response

Applicant: Craig R. White

Serial No.: 09/977,687

Filed: October 16, 2001

Docket No.: 10011785-1

Title: CENTRALIZED BILLING CREDIT SYSTEM UTILIZING A PREDETERMINED UNIT OF USAGE**REMARKS**

The following Remarks are made in response to the Non-Final Office Action mailed February 4, 2009, in which claims 1-8 and 21-26 were rejected.

With this Amendment, claims 3, 4, and 22 have been cancelled without prejudice, and claims 1, 7, and 25 have been amended to clarify Applicant's invention.

Claims 1, 2, 5-8, 21, and 23-26, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 112

Claims 1-8 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With this Amendment, independent claim 1 has been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant, therefore, respectfully requests that the rejection of claims 1-8 and 21-26 under 35 U.S.C. 112, second paragraph, be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-8 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi U.S. Patent No. 6,385,675 in view of Okuda et al. U.S. Patent No. 7,034,952.

With this Amendment, claims 3, 4, and 22 have been cancelled without prejudice. The rejection of these claims under 35 U.S.C. 103(a), therefore, is rendered moot.

With this Amendment, independent claim 1 has been amended to clarify that the system includes **"a billing policies database which includes billing policies for a printer device having an owner and a user,"** and **"a billing manager which is implemented by a processor, coupled to the billing policies database and the printer device, and uses at least one of the billing polices to determine a cost of each operation performed on the printer device,"** wherein **"the billing system accumulates information on usage of the printer device by the owner of the printer device, and only bills the owner of the printer device for net usage of the printer device."**

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Support for these amendments is provided in the Specification at least at, for example, page 4, lines 1-4; page 5, line 19 - page 6, line 3; and Fig. 1.

With respect to the Yamaguchi and Okuda references, Applicant submits that these references, individually or in combination, do not disclose an electronic transaction recording system for accumulating data from a printer device as claimed in independent claim 1 including, amongst other things and in the combination recited, a billing policies database which includes billing policies for a printer device having an owner and a user, and a billing manager which is implemented by a processor, coupled to the billing policies database and the printer device, and uses at least one of the billing polices to determine a cost of each operation performed on the printer device, wherein the billing system accumulates information on usage of the printer device by the owner of the printer device, and only bills the owner of the printer device for net usage of the printer device.

Regarding the Yamaguchi reference, the Yamaguchi reference discloses a printer or copying machine which operates according to several different functional and operational modes, a host computer which sends a print or copy order to the printer or copying machine, and an accounting means which calculates charges based on the order before it is carried out by the printer or copying machine and which transmits those charge to the host computer (see Abstract). More specifically, the Yamaguchi reference discloses an image processor 101 which includes an account processor 101H for processing the cost of the job based on an accounting program, and a controller 101I for controlling the accounting operations, the image processing operations, the communications, and the changing of the accounting programs (see Yamaguchi, Fig. 2; col. 2, lines 54-65).

As such, the Yamaguchi reference provides that the controller 101I controls the digital copying machine 100 so that it carries out a function specified by one of the host computers 102 such that the controller then logs the job and prepares an account based on the log, and gives an account notice to each host computer according to a predetermined timing, wherein the account notice may be sent to the appropriate host computer 102 along with each copying job, or periodically, such as monthly, or when the total charge exceeds a predetermined amount, or as requested by the user (Yamaguchi, col. 2, line 65 - col. 3, line 8). In this regard, the Yamaguchi reference provides that:

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The accounting operation is carried out based on the following parameters: an acceptance time (this may be, for example, a week, a day or a holiday, daytime or nighttime, etc.), the number of pages to be copied, the kind of paper to be used in the copying operation, such as ordinary paper or OHP (Overhead Transparency Paper), etc., paper size, size of the file, name of the user (discountable or not), copy mode (full-color copy or mono-color copy, etc. in a case where the copying machine 100 is a color copying machine), necessity for logging after copying, user functions (these may be expansion functions or ordinary functions) and time (emphasis added) (Yamaguchi, col. 3, lines 9-21).

In the accounting operation, however, the Yamaguchi reference does not disclose crediting the owner of the printer or copying machine an amount corresponding to a predetermined unit of usage of the printer or copying machine by the user, and does not disclose only billing the owner of the printer or copying machine for net usage of the printer or copying machine. More importantly, the Yamaguchi reference does not even mention the owner of the printer or copying machine. The Yamaguchi reference, therefore, does not disclose a billing system which accumulates information on usage of a printer device by a user, generates an accounting of usage based on the information, and associates the accounting of usage with a predetermined unit of usage, wherein the billing system credits the owner of the printer device an amount corresponding to the predetermined unit of usage of the printer device by the user, and wherein the billing system accumulates information on usage of the printer device by the owner of the printer device, and only bills the owner of the printer device for net usage of the printer device, as claimed in independent claim 1.

Regarding the Okuda reference, the Okuda reference relates to a print service system capable of improving user settlement convenience by setting a charging system depending upon each service type and dynamically determining a fee depending upon the past use records of a user to provide services specific to each user (see Okuda, Abstract). The print service system of the Okuda reference includes a settlement maker 409 which performs a settlement process for a charge depending upon user use records, a pay settlement process and royalty settlement process for each print service shop, and includes a fee system unit 453 which manages a standard fee table for each service, a user charge management attribute reference table which is used as a calculation reference to various charge process services depending upon use records, a contracted shop royalty reference table which is used as a reference to royalty calculation of each contracted shop depending upon service records, and

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other tables (Okuda, col. 4, lines 39-42 and 61-67). Neither the settlement maker of the Okuda reference nor the fee system unit of the Okuda reference, however, accumulates information on usage of a printer device by an owner of the printer device and only bills the owner of the printer device for net usage of the printer device, as claimed in independent claim 1.

Accordingly, Applicant submits that modifying the Yamaguchi reference in view of the Okuda reference does not overcome the shortcomings of the Yamaguchi reference. More specifically, Applicant submits that the combination of the Yamaguchi and Okuda references does not disclose a billing system which accumulates information on usage of a printer device by a user, generates an accounting of usage based on the information, and associates the accounting of usage with a predetermined unit of usage, wherein the billing system credits the owner of the printer device an amount corresponding to the predetermined unit of usage of the printer device by the user, and wherein the billing system accumulates information on usage of the printer device by the owner of the printer device, and only bills the owner of the printer device for net usage of the printer device, as claimed in independent claim 1.

Applicant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

In view of the above, Applicant submits that independent claim 1, and the dependent claims depending therefrom, are each patentably distinct from the Yamaguchi and Okuda references and, therefore, are each in a condition for allowance. Applicant, therefore, respectfully requests that the rejections under 35 U.S.C. 103(a) be reconsidered and withdrawn, and that claims 1, 2, 5-8, 21, and 23-26 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1, 2, 5-8, 21, and 23-26 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Respectfully submitted,

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Date: MAY 4, 2009
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